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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,432	04/12/2001	Lance C. Shumaker	13DV13932	5277

31450	7590	10/28/2005		EXAMINER

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EXAMINER
NAHAR, QAMRUN

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/833,432	SHUMAKER ET AL.
	Examiner	Art Unit	
	Qamrun Nahar	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-21* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 08/19/2005.

2.   The objections to claims 1, 9 and 21 for informalities are withdrawn in view of

applicant's amendment.

3.   The rejection under 35 U.S.C. 101 because the claimed invention is directed to non-

statutory subject matter to claims 1-6, 8 and 21 is withdrawn in view of applicant's amendment.

4.   Claims 1, 9 and 21 have been amended.

5.   Claims 1-6 and 8-21 are pending.

6.   Claims 1-6, 8-14 and 17-21 stand finally rejected under 35 U.S.C. 103(a) as being

unpatentable over Cohen (U.S. 6,178,430) in view of Anuff (U.S. 6,327,628).

7.   Claims 15-16 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over

Cohen (U.S. 6,178,430) in view of Anuff (U.S. 6,327,628), and further in view of Sprague (U.S.

5,870,744).

Response to Amendment

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 1-6, 8-14 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Cohen (U.S. 6,178,430) in view of Anuff (U.S. 6,327,628).

Per Claim 1 (Amended):

Cohen teaches a method executable over a computer network for determining a standards document to be added to an intranet portal ("The present invention downloads the standards document to a network server and connects the standards document into a HTML document. The HTML document is then available for display by web browsers on user computers connected to the network. The present invention additionally provides to users various management services that allow users to request changes to the standards document and to request exceptions, or variances, from the standards in order to perform specific tasks in a way that would be otherwise precluded by the standards. Users may schedule networked conferences for discussing proposed changes and exceptions and may vote on proposed changes and exceptions by using management services provided by the present invention." in column 3, lines 1-14); proposing, by a user, a standards document to be added to an intranet portal; adding the proposed standards document to a list of suggested standards documents ("Change Requests table", column 7, lines 58-67 to column 8, lines 1-16); displaying the list of suggested standards documents to a user of the intranet portal (Cohen teaches displaying the Change Requests Table *Topics* to the users via email and notify users when to attend the Conference to consider the change requests; where each conference has more than one change request topics, see column 8, lines 16-54); selecting, by a user, a standards document from the list of suggested standards documents; indicating, by a user, support for the selected standards document; including the indication of support for the selected standards document in a cumulative indication of support for the selected standards document ("Votes table", column 8, lines 55-65; and column 14, lines

55-67 to column 15, lines 1-26); and determining a standards document to be added to the intranet portal from the list of suggested standards documents using the cumulative indication of support for each suggested standards document in the list of suggested standards documents (column 15, lines 13-20). Cohen does not explicitly teach a *module* to be added to an intranet portal or an *administrator* determining a module to be added to the intranet portal. Anuff teaches a *module* to be added to an intranet portal (column 3, lines 58-67 to column 4, lines 1-14) and an *administrator* determining a module to be added to the intranet portal (column 8, lines 37-43 and lines 50-56).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Cohen to include that a *module* is to be added to an intranet portal and an *administrator* determining a module to be added to the intranet portal using the teaching of Anuff. The modification would be obvious because one of ordinary skill in the art would be motivated to reduce the cost of maintenance of a portal where a portal must be continuously enhanced (Anuff, column 1, lines 40-56).

Per Claim 2:

The rejection of claim 1 is incorporated, and the combination of Cohen and Anuff further teaches wherein the step of proposing a module further comprises the steps of: providing a name for the proposed module; and providing a description for the proposed module (Cohen, column 7, lines 58-67 to column 8, lines 1-16; column 15, lines 64-67 to column 16, lines 1-12; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 3:

The rejection of claim 2 is incorporated, and the combination of Cohen and Anuff further

teaches comprising the step of reviewing, by a user, the description of the selected module

(Cohen, column 8, lines 55-65; Anuff teaches a module at column 3, lines 58-67 to column 4,

lines 1-14).

Per Claim 4:

The rejection of claim 3 is incorporated, and the combination of Cohen and Anuff further

teaches wherein the step of reviewing the description of the selected module comprises the step

of opening a separate window that includes the description of the selected module (Cohen,

column 16, lines 26-32; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-

14).

Per Claim 5:

The rejection of claim 1 is incorporated, and the combination of Cohen and Anuff further

teaches wherein the step of indicating support further comprises the step of selecting, by a user, a

button associated with the selected module (Cohen, column 16, lines 19-26; Anuff teaches a

module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 6:

The rejection of claim 5 is incorporated, and the combination of Cohen and Anuff further

teaches wherein the indication of support for the selected module is a vote for the selected

module (Cohen, column 16, lines 19-26; Anuff teaches a module at column 3, lines 58-67 to

column 4, lines 1-14) and wherein the cumulative indication of support for the selected module is

a sum of all the votes for the selected module (Cohen, column 15, lines 13-20; Anuff teaches a

module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 8:

The rejection of claim 6 is incorporated, and the combination of Cohen and Anuff further

teaches further comprising the step of displaying the sum of all votes for the selected module

(Cohen, column 15, lines 13-20; Anuff teaches a module at column 3, lines 58-67 to column 4,

lines 1-14).

Per Claims 9 (Amended), 10 & 12-13:

These are computer program product versions of the claimed method discussed above

(claims 1-4, respectively), wherein all claim limitations also have been addressed and/or covered

in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claim 11:

The rejection of claim 10 is incorporated, and the combination of Cohen and Anuff

further teaches wherein the update for the proposed module is one of adding the proposed

module, changing the proposed module and removing the proposed module (Cohen, column 7,

lines 58-67 to column 8, lines 1-16; column 15, lines 64-67 to column 16, lines 1-12; Anuff

teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 14:

The rejection of claim 12 is incorporated, and the combination of Cohen and Anuff

further teaches further comprising computer instructions for executing the step of supplementing,

by a user, the description of the update for the selected module with additional comments, the

additional comments being added to the description of the update for the selected module for

review by subsequent users (Cohen, column 16, lines 7-12; Anuff teaches a module at column 3,

lines 58-67 to column 4, lines 1-14).

Per Claims 17-20:

These are computer program product versions of the claimed method discussed above

(claims 5-6 and 8), wherein all claim limitations also have been addressed and/or covered in

cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claim 21 (Amended):

This is another version of the claimed method discussed above, claim 1, wherein all claim

limitations also have been addressed and/or covered in cited areas as set forth above. Thus,

accordingly, this claim is also obvious.

10.   Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen

(U.S. 6,178,430) in view of Anuff (U.S. 6,327,628), and further in view of Sprague (U.S.

5,870,744).

Per Claim 15:

The rejection of claim 10 is incorporated, and further, the combination of Cohen and Anuff does not explicitly teach wherein the indication of support for the selected module is a rating of the update for the selected module. Sprague teaches wherein the indication of support for the selected module is a rating of the update for the selected module (column 6, lines 57-65).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the computer program product disclosed by the combination of Cohen and Anuff to include wherein the indication of support for the selected module is a rating of the update for the selected module using the teaching of Sprague. The modification would be obvious because one of ordinary skill in the art would be motivated to get a degree of support for a selection.

Per Claim 16:

The rejection of claim 15 is incorporated, and Sprague further teaches wherein the cumulative indication of support for the selected module is an average of all the ratings for the selected module (column 7, lines 10-17).

Response to Arguments

11.   Applicant's arguments filed on 08/19/2005 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

a)   Claims 1, 9 and 21 of Applicant's claimed invention, and consequently ... Thus, from a

threshold analysis, Applicants' claimed invention has a key distinguishing feature from Cohen:

Cohen merely uses an intranet as a vehicle by which internal communications are relayed for

modifying information standards. Revising the rejection of the Office Action of September 23,

2004 by adding Anuff fails to overcome this very basic deficiency.

The present rejection is a §103 combination rejection. ... To reach a proper teaching of

an article or process through a combination of references, there must be stated an objective

motivation to combine the teachings of the references, not a hindsight rationalization in light of

the disclosure of the specification being examined. ...

... If the rejection is maintained, Applicants ask that the Examiner set forth the objective

basis found in the references themselves for combining the teachings of the references, for

adopting only the helpful teachings of each reference and disregarding the unhelpful teachings of

the reference, and for achieving the determination of the modules to be added to an intranet

portal as found in Applicant's claimed invention.

Examiner's response:

a)   Examiner strongly disagrees with applicant's assertion that the combination of Cohen and

Anuff fails to disclose the claimed limitations recited in claims 1, 9 and 21. The combination of

Cohen and Anuff clearly shows each and every limitation in claims 1, 9 and 21.

In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In the previous Office Action, Mailed on 05/20/2005, par. 16, the Examiner has provided the motivation and the location in the Anuff reference where the motivation is found.

In addition, see the rejection above in paragraph 9 for rejection to claims 1, 9 and 21.

In the remarks, the applicant argues that:

b)   While the intranet is referred to in Cohen as a means for distributing information, there is no teaching that a module in an intranet portal is itself is being updated ... Furthermore, Cohen's standard is simply not the same as the module of Applicants' claimed invention. ... Thus, a module might provide access to a standards document like those described in Cohen, but the standards document is not itself a module.

Applicants' incorporate by reference the arguments previously presented in the Paper filed December 23, 2004, which clearly differentiates Cohen from Applicants' claimed invention.

Examiner's response:

b)   Examiner strongly disagrees with applicant's assertion that the combination of Cohen and

Anuff fails to disclose the claimed limitations recited in claims 1, 9 and 21. The combination of

Cohen and Anuff clearly shows each and every limitation in claims 1, 9 and 21.

In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Examiner had already addressed the applicant's arguments previously presented in

the Paper filed December 23, 2004 in the previous Office Action, Mailed on 05/20/2005, par. 18.

In addition, see the rejection above in paragraph 9 for rejection to claims 1, 9 and 21.

In the remarks, the applicant argues that:

c)   Restating the rejection of the prior Office Action to add Anuff in combination with

Cohen still fails to overcome the deficiencies of Cohen. Anuff appears to be cited only for the

proposition that intranet portals may include modules and that an administrator can determine

which modules get added. Office Action at page 5. Applicants find nothing in Anuff that

teaches, discloses or suggests that the basis for determining the module to be added, much less

that the determination is made in the same way as the Applicants' claimed invention.

Examiner's response:

c)   Examiner strongly disagrees with applicant's assertion that the combination of Cohen and

Anuff fails to disclose the claimed limitations recited in claims 1, 9 and 21. The combination of

Cohen and Anuff clearly shows each and every limitation in claims 1, 9 and 21.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a

general allegation that the claims define a patentable invention without specifically pointing out

how the language of the claims patentably distinguishes them from the references. That is,

applicant has failed to point out the error in the citations provided from the reference Anuff.

In addition, see the rejection above in paragraph 9 for rejection to claims 1, 9 and 21.

In the remarks, the applicant argues that:

d)   Thus, Cohen still lacks any teaching or suggestion that modules of the intranet, not

documents transferred over an intranet, are modified. ... Applicants find nothing in either of the

cited references that supports the Examiner's position that Cohen's standards documents that are

transferred over an intranet are interchangeable with modules of the intranet itself, much less that

a method of determining what standards document should be included in database of such

documents would be the same as determining which modules should be included on the intranet

over which the standard documents are transferred.

Examiner's response:

d)   Examiner strongly disagrees with applicant's assertion that the combination of Cohen and

Anuff fails to disclose the claimed limitations recited in claims 1, 9 and 21. The combination of

Cohen and Anuff clearly shows each and every limitation in claims 1, 9 and 21.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Cohen is not relied upon for the modules of the intranet, Anuff is.

In addition, see the rejection above in paragraph 9 for rejection to claims 1, 9 and 21.

In the remarks, the applicant argues that:

e)   In response to the Applicants' remarks at page 10 of the Office Action, the Examiner states that Anuff overcomes Applicants' prior arguments because Anuff teaches modules and an administrator. Yet, the Examiner provides no basis to equate the standards documents of Cohen with the modules of Anuff. Further, the only motivation provided by the Examiner to combine Cohen and Anuff is "to reduce the cost of maintenance of a portal." Office Action at page 5. However, it would appear that since the Examiner admits that Cohen fails to teach an administrator determining a module to be added, combining Anuff would like to increase costs by introducing new personnel or new duties for existing personnel. Furthermore, it appears that a determination by an administrator would conflict with the open voting procedures of Cohen, As understood by Applicants, Cohen appears to require that the vote itself is the determining factor as to whether a standards document is added/modified. See Cohen, col. 14, line 55-col. 15, line 20.

Examiner's response:

e)   Examiner strongly disagrees with applicant's assertion that the combination of Cohen and
Anuff fails to disclose the claimed limitations recited in claims 1, 9 and 21. The combination of
Cohen and Anuff clearly shows each and every limitation in claims 1, 9 and 21.

The Examiner is not equating the standards documents of Cohen with the modules of
Anuff. Cohen's method of adding is being equated to applicant's method of adding, except
Cohen does not teach a *module* to be added to an intranet portal; instead Cohen teaches a
standards document to be added.

Furthermore, an administrator would not increase costs because a portal must be
continuously enhanced. It is more cost effective to have an administrator to maintain a portal
rather than have numerous people maintain the portal or outsourcing the job.

Applicant points to Cohen, col. 14, line 55-col. 15, line 20, and states that "it appears that
a determination by an administrator would conflict with the open voting procedures of Cohen".
The location cited, Cohen, col. 14, line 55-col. 15, line 20, merely describes the subroutine,
Complete Vote, which totals the number of votes cast. The location cited does not indicate any
information about an administrator.

In addition, see the rejection above in paragraph 9 for rejection to claims 1, 9 and 21.

In the remarks, the applicant argues that:

f)   In response to the Examiner's comments on Applicants' arguments regarding a
cumulative indication, Applicants respectfully submit that the Examiner still fails to appreciate
that Cohen appears to only teach counting all of the votes after they have been cast, ignoring the
incremental counting of indications of support suggested by the use of the term "cumulative".

Examiner's response:

f)   As previously pointed out in the Office Action, Mailed on 05/20/2005, par. 18,

Examiner's Response (b), and currently maintained by the Examiner, the combination of Cohen

and Anuff is relied upon for the limitation "a cumulative indication of support for a selected

module" (Cumulative indication as defined in amended claim 6 is "the cumulative indication of

support for the selected module is a sum of all the votes for the selected module" on lines 2-3 of

claim 6, which Cohen's Complete Vote subroutine teaches. The argument regarding *when* the

votes are calculated is moot in view of the definition given in claim 6).

In addition, see the rejection above in paragraph 9 for rejection to claims 1, 9 and 21.

In the remarks, the applicant argues that:

g)   Claims 15 and 16 stand rejected as ...

Claims 15 and 16 both depend from claim 9 which has been shown above to be

allowable. Furthermore, Sprague is believed to be cited only for its teaching that support can be

expressed in the form of a rating and fails to overcome the deficiencies of Cohen shown above

with respect to independent claims 1, 9 and 21. Thus, claims 15 and 16 are also allowable and

the rejection should be withdrawn.

Examiner's response:

g)   Examiner strongly disagrees with applicant's assertion that the combination of Cohen,

Anuff and Sprague fails to disclose the claimed limitations recited in claims 15 and 16. The

combination of Cohen, Anuff and Sprague clearly shows each and every limitation in claims 15

and 16.

In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, see the rejection above in paragraph 10 for rejection to claims 15 and 16.

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

13.   Any inquiry concerning this communication from the examiner should be directed to

Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be

reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the

organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
October 20, 2005

WEI Y. ZHEN
PRIMARY EXAMINER